

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1265

Citations Affected: IC 4-22; IC 34-30.

Synopsis: Rulemaking and regulated entities. Conference committee report for EHB 1265. Requires an agency that publishes a notice of intention to adopt a rule that imposes a requirement or cost on a regulated entity to include in the notice a statement justifying the requirement or the cost. Provides that the statement must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary. Requires a state agency to assign a small business regulatory coordinator for each administrative rule proposed or adopted by the agency. Requires the agency to list the coordinator's contact information in certain published notices and rules. Requires the coordinator to serve as a liaison between the agency and small businesses subject to the rule. Requires, in the case of a rule adopted by the department of environmental management (IDEM) or its boards, the coordinator for the rule to work with IDEM's ombudsmen and office of voluntary compliance to coordinate services provided to affected small businesses. Requires an agency's director to submit an annual report to the legislative council and the Indiana economic development corporation concerning the activities of the agency's coordinators during the state fiscal year. Provides that a small business that voluntarily notifies an agency of a rule violation is immune from civil or criminal liability resulting from an agency action if the small business: (1) provides the notice within 45 days after discovering the violation; (2) corrects the violation within the time agreed to by the agency and the small business; and (3) cooperates with any investigation by the agency. Provides that immunity is not available if: (1) the violation resulted in serious harm or endangered the public; (2) the small business received a competitive advantage; or (3) the small business has a pattern of rule violations. Provides that certain information provided by a small business relating to a rule violation is confidential. Provides that voluntary notice of a rule violation by a small business is not admissible as evidence, other than in an agency proceeding, to prove liability. **(This conference committee report specifies that a small business that notifies an agency of a rule violation may correct the violation at any time before the expiration of the time agreed to by the agency and the small business.)**

Effective: July 1, 2005.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1265 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 6, delete lines 15 through 18, begin a new line blocked indented
- 2 and insert:
- 3 **"(2) Corrects the violation within a time agreed to by the**
- 4 **agency and the small business. However, the small business**
- 5 **shall be given at least ninety (90) days after the date of the**
- 6 **notice described in subdivision (1) to correct the violation. The**
- 7 **small business may correct the violation at any time before the**
- 8 **expiration of the period agreed to under this subdivision."**

(Reference is to EHB 1265 as printed April 1, 2005.)

Conference Committee Report
on
Engrossed House Bill 1265

Signed by:

Representative Pond
Chairperson

Senator Dillon

Representative Tincher

Senator Rogers

House Conferees

Senate Conferees